

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JAVIER AYALA

Plaintiff,

v.

GOOD NEIGHBOR DENTAL,

Defendant.

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CIVIL ACTION NO.

H: 15-cv-2098

INDEX OF MATTERS FILED

The United States of America on behalf of defendant, Fourth Ward d/b/a Good Neighbor Health Care Center, incorrectly sued as “Good Neighbor Dental,” provides the following pursuant to Local Rule 81:

1. All executed process in the state case. (Attached);
2. All pleadings asserting causes of action, e.g. petitions, amended petitions, and answers to such pleadings. (Attached);
3. All orders signed by the state court judge (Attached);
4. The docket sheet (Attached); and,

5. A list of all known counsel of record, including addresses, telephone numbers and parties represented (attached).

Respectfully submitted,

KENNETH MAGIDSON
United States Attorney

/s/ Fred T. Hinrichs

FRED T. HINRICHS
Assistant United States Attorney
Attorney in Charge
Texas Bar No. 24003580
1000 Louisiana, Ste. 2300
Houston, Texas 77002
Tel: 713- 567-9529
Fax: 713-718-3303
Fred.Hinrichs@usdoj.gov
Attorney for defendant Fourth
Ward, d/b/a Good Neighbor
Health Care Center

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing pleading was electronically served through the court's electronic filing system, or by U.S. Mail postage prepaid, on this 21st day of July 2015, to the following:

Javier Ayala
7450 Walker Street
Houston, TX 77011

/s/ Fred T. Hinrichs

FRED T. HINRICHS
Assistant United States Attorney



Justice of the Peace Courts Case Information

Case Summary for CV62C0012873 as of July 21, 2015 1:11:37 PM :

General Case Information

Case Number: CV62C0012873
Court Info: [Click here to visit court web site.](#)
Style of Case: JAVIER AYALA VS. GOOD NEIGHBOR DENTAL
Filed Date: May 22, 2015
Days Old: 60
Case Status: ACTIVE
Disposition:
Disposition Date:
Judgment Date:

Civil Information

Nature of Claim: SMALL CLAIMS MONEY DAMAGES
Claim Amount: \$10,000.00

Party Information

Party Name: AYALA, JAVIER

Party Type: PLAINTIFF

Party Name: GOOD NEIGHBOR DENTAL

Party Type: DEFENDANT

Event Information

Payment Information

Payment Date:	May 22, 2015
Amount:	\$119.00
Payment Type:	CASH
Transaction Type:	FILING FEE
Receipt Description:	SMALL CLAIMS
Payor Name:	AYALA, JAVIER

Filing Information

Filing Description: PETITION FILED

Date Added: May 22, 2015

Filing Description: COURT COST \$44.00

Date Added: May 22, 2015

Filing Description: CV-CITATION-MONEY DAMAGES

Date Added: May 22, 2015

Filing Description: NOTICE OF CERTIFICATE OF LAST KNOWN MAILING ADDRESS

Date Added: May 22, 2015

Filing Description: MILITARY STATUS AFFIDAVIT

Date Added: May 22, 2015

Bond Information

Judgment Information

Disclaimer

Although Harris County Justice of the Peace Courts make every effort to ensure that information provided is accurate, neither Harris County nor any agency, officer, elected official or employee of Harris County, warrants the accuracy, reliability, or timeliness of any information on this web site and shall not be liable for any losses caused by such reliance on the accuracy, reliability or timeliness of such information, including, but not limited to incidental and consequential damages. This publication is provided "as is" without warranty of any kind, either expressed or implied, including, but not limited to, the implied warranties of merchantability, fitness for a particular purpose or non-infringement.

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Please note: Because case status may change at any time, the case information displayed may not be accurate. If you have any questions about the case status shown, you should verify the information with the official case record.

Small Claims Petition

NO. CN62C0012873Javier Ayala

Plaintiff(s)

vs.

Tuesday Coffman et alGood Neighbor Dental

Defendant(s)

Plaintiff: Individual = Javier Ayala

Describe the legal nature of the plaintiff (e.g., individual, sole proprietorship, partnership, corporation)

IndividualDefendant: Corporation Good Neighbor DentalAddress: 190 Heights BlvdCity: HoustonState: TXZip: 77007

Date of Birth (if applicable):

Describe the legal nature of the defendant (e.g., individual, sole proprietorship, partnership, corporation)

Corporation

*Defendant may be served by serving Chief Operations Officer: Tuesday Coffman
 (state the name of the defendant if defendant is an individual, or state the name and title of the person who is authorized to receive service of process for the defendant if defendant is a partnership, limited partnership, corporation, or limited liability company), who may be served at

190 Heights Blvd Houston TX 77007

(state the address for service of process).

The defendant's usual place of business or residence, or other place where defendant can probably be found is

190 Heights Blvd Houston TX 77007

Cause of Action

(State the cause of action in plain and concise language, sufficient to give fair notice of the claim and to provide enough information to enable the defendant to prepare a defense. You may include information showing venue is proper in the Justice of the Peace Precinct in which you are filing. If you are seeking personal property, you must describe the property and state the value of the property.)

Good Neighbor Dental provided dental services to me that, due to their negligent policies and procedures, resulted in excruciating oral pain, emotional distress, and mental anguish. All of which are supported by the attached documentation. Their policies are designed in such a way that a procedure that was started in January 2013 was not completed until June 2013 resulting in pain, infection, and oral damage.

Relief Requested (Describe the relief you are requesting, itemizing the amount of damages you are seeking.)
I am seeking the fullest amount allowable of \$10,000.00

The amount paid to GND was \$693, medicine \$30, other dentist fees post-GND \$198, and the amount it would cost to repair the dental damage. In addition for pain and suffering. Total requested \$10k

Respectfully submitted,

Javier Ayala

Signature of Plaintiff or Plaintiff's Attorney of Record

Address: 7450 WalkerTelephone: 832-808-8239E-Mail Address: javier.ayala1221@yahoo.com

☐ Plaintiff consents to the e-mail service of the answer and any other motions or pleadings to this e-mail address.

Printed Name: _____

State Bar No. _____

Fax Number: _____

CIVIL - CITATION (Money Damages) Rule 501.1

Receipt Number: 0084656

Receipt Date: 05/22/15

Cons Fee \$75.00

Tracking Number: P0015087

Case Number: CV62C0012873

JAVIER AYALA
PLAINTIFF(S)

vs.

GOOD NEIGHBOR DENTAL
DEFENDANT(S)ALAN ROSEN, Constable
Precinct #1, Harris County

By

Deputy

Citation (Small Claims Case)

THE STATE OF TEXAS
COUNTY OF HARRIS:IN THE JUSTICE COURT
HARRIS COUNTY, TEXAS
PRECINCT 6, PLACE 21601 SSGT MACARIO GARCIA
HOUSTON, TX 77011
713 921-6141

Deputy

TO: ANY SHERIFF, CONSTABLE, PROCESS SERVER CERTIFIED UNDER ORDER OF THE SUPREME COURT, OTHER PERSON
AUTHORIZED BY COURT ORDER, OR CLERK:Deliver this citation, together with a copy of the petition, to:
GOOD NEIGHBOR DENTAL
190 HEIGHTS BLVD,
HOUSTON, TX 77007

By Serving:

TUESDAY COFFMA, CHIEF OPERATIONS OFFICER

TO THE DEFENDANT:

You have been sued. You are commanded to appear by filing a written answer to the petition filed by Plaintiff with the Clerk of the Court on or before the end of the 14th day after the date of service of this Citation. If you fail to file an answer as required, a judgment by default may be rendered for the relief demanded in the petition.


Date Petition Filed: 05/22/15

Nature of demand made by Plaintiff(s): money owed in the amount of \$10000.00 together with attorney's fees, cost of court, interest as provided by law and general relief. A copy of the Petition is attached.

Notice

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. A copy of the Rules is available at <http://www.jp.hctx.net/> or at the Justice Court.

Issued on: 5/22/2015


 JUDGE ARMANDO V. RODRIGUEZ
 Justice of the Peace, Precinct 6, Place 2
Address for Plaintiff
JAVIER AYALA
7450 WALKER ST
HOUSTON, TX 77011

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CVCIT13
Page 1 of 1

CAUSE NO. CV62C0012873

JAVIER AYALA,

Plaintiff,

v.

GOOD NEIGHBOR DENTAL,

Defendant.

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IN THE JUSTICE COURT OF

HARRIS COUNTY, TEXAS

PRECINCT 6, PLACE 2

**ORIGINAL ANSWER OF
GOOD NEIGHBOR DENTAL**

**WITH A LEGAL NAME OF FOURTH WARD CLINIC D/B/A GOOD NEIGHBOR
HEALTHCARE CENTER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Good Neighbor Dental, incorrectly named as Defendant, with a legal name of Fourth Ward Clinic, d/b/a Good Neighbor Healthcare Center and in answer to the Plaintiff's Original Petition ("Plaintiff"), on file herein, files this Original Answer to Plaintiff's Original Petition, and to all other claims and pleadings filed, or to be filed, herein by Plaintiff and/or other parties that have been, or will have been, joined or have, or will have, intervened, and for such answer would respectfully show unto the Court the following:

**I.
GENERAL DENIAL**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant generally denies each and every, all and singular, the allegations in Plaintiff's Original Petition, and in all other claims and pleadings filed, or to be filed, herein by Plaintiff and/or other parties that have been, or will have been, joined or have, or will have, intervened, and demands strict proof thereof by preponderance of the evidence.

II.
AFFIRMATIVE DEFENSES


Defendant, by way of further answer, if necessary, further alleges by way of affirmative defense that the exclusive remedy for Plaintiff's claims is under Section 224(a) of the Public Health Service (PHS) Act (42 U.S.C. § 233(a)). Accordingly, Plaintiff's cause of action against Defendant, if any, is barred by the provisions of Section 224(a) of the Public Health Service (PHS) Act to the extent Plaintiff's cause of action exceeds the remedies provided therein.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that it be dismissed from the above-styled and numbered cause immediately or that on final hearing hereof, Plaintiff and every other party that has been, or will have been, joined or have, or will have, intervened take nothing, and that they go hence with their costs without day, and for such other and further relief, including reasonable attorney's fees, to which it may show itself justly entitled.

Dated: June 12, 2015.

Respectfully submitted,




CEO Good Neighbor Healthcare Center

CERTIFICATE OF SERVICE

This Original Answer of Defendant has been served in compliance with Rules 21 and 21a of the Texas Rules of Civil Procedure on June 12, 2015 by certified mail, return receipt requested to the following address:

Javier Ayala
7450 Walker St.
Houston, TX 77011



CEO Good Neighbor Healthcare Center

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JAVIER AYALA

Plaintiff,

v.

GOOD NEIGHBOR DENTAL,

Defendant.

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CIVIL ACTION NO.

H: 15-cv-2098

LIST OF ATTORNEYS OF RECORD

The following is a list of the known attorneys:

1. **Plaintiff pro se,**
Javier Ayala
7450 Walker Street
Houston, TX 77011
(713) 705-3070
2. **Defendant, Fourth Ward,**
d/b/a Good Neighbor Health
Care Center
Fred T. Hinrichs
Assistant U.S. Attorney
Texas Bar No. 24003580
1000 Louisiana, Ste. 2300
Houston, Texas 77002
(713) 567-9529 – Telephone
(713) 718-3303 – Facsimile
Fred.Hinrichs@usdoj.gov

Respectfully submitted,

KENNETH MAGIDSON
United States Attorney

/s/ Fred T. Hinrichs

FRED T. HINRICHs
Assistant United States Attorney
Attorney in Charge
Texas Bar No. 24003580
1000 Louisiana, Ste. 2300
Houston, Texas 77002
Tel: 713- 567-9529
Fax: 713-718-3303
Fred.Hinrichs@usdoj.gov
Attorney for defendant Fourth
Ward, d/b/a Good Neighbor
Health Care Center

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Javier Ayala
7450 Walker Street
Houston, TX 77011

/s/ Fred T. Hinrichs

FRED T. HINRICHs
Assistant United States Attorney